

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**AMENDMENT A
(RESUBMITTED SECOND TIME)
RESPONSE TO NOTICE OF NONCOMPLIANCE**

APPLICANT: Werner BECK, et al. DOCKET NO: P02,0628-01
SERIAL NO.: 10/725,299 ART UNIT: 2629

FILED: December 1, 2003 EXAMINER: Piziali, Jeffrey J.
CONF. NO.: 2868
TITLE: Operating Device for a Diagnostic Imaging Unit

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Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

A Notice of Non-compliant Amendment was mailed on December 11, 2007, identifying that a strikethrough had been used for the five-letter word “being” instead of double brackets to indicate deletion. This Notice was submitted subsequent to a previous Notice of Non-compliant Amendment mailed September 21, 2007. In the spirit of cooperation, and in order to advance the prosecution of this application, Applicants have replaced the strikethrough used to indicate deletion of the word “being” with double brackets.

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However, for future reference of the reviewer, Applicants note the following. The portion of 37 C.F.R. §1.121(c)(2) cited indicates that double brackets may be used to show deletion of five or fewer consecutive characters—this is an optional form of indication that can be used. Although it is true that the double bracketing form must be used if the strike-through cannot be easily

perceived, this is not the case here. By way of example, MPEP §714(II)(B) gives an illustration of where the strike-through cannot be easily seen. In this case, the number 4 is considered such a problematic strike through since the strike through cannot be seen over the cross-bar of the number 4. In the present example, the word "being" has only one letter that would be difficult to discern because it has a similar cross-bar: the letter "e". All other letters in this word have no cross-bar and the strikethrough is easily discerned with these letters.

Further evidence that this deletion is not deemed difficult to perceive is the fact that it was noted in the Notice of Non-compliance itself. Applicants understand the reasoning behind this to be so self-evident that it requires no further analysis.

Finally, Applicants note that since a previous Notice of Non-compliance had the same strikethrough format for this word, it would have been appropriate to have brought it to the Applicants' attention at this time, when it could have easily been dealt with by a simple additional edit, thereby negating the need for the time and effort of this further submission.

The remaining amendment is identical to that previously submitted on July 5, 2007. In response to the Office Action dated April 5, 2007 ("OA"), please amend the above-identified application as follows.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 6 of this paper.